

§Appl. No. 09/646,924
Amdt. dated June 8, 2005
Reply to Office Action of, December 15, 2004

REMARKS

Examiner's Chundura and Fredman are thanked for the helpful interview on May 26, 2005. In that interview, Applicant's representatives (Lebovitz and Seemann) presented arguments that the apo C-III promoter was well-known in the art at the time the application was filed and therefore further description is not necessary. Exhibit 1, for example, is a database search of PubMed showing that at least 40 publications described it prior to the pending application's filing date. Moreover, as discussed in the Response filed September 15, 2004, its sequence was described in Reue et al., *J. Biol. Chem.*, 263:6857-6864, 1988, and Ogami et al., *J. Biol. Chem.*, 265:9808-9815, 1990 which were available on the application filing date. Information which is well known in the art need not be described in detail in the specification. MPEP §2163. "A patent specification need not teach, and preferably omits, what is well known in the art." See, *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379-80, 231 USPQ 81, 90 (Fed. Cir. 1986). Consequently, it is unnecessary to disclose the apo C-III sequence to comply with the written description requirements.

At the interview, Dr. Fredman also raised a new objection to the recitation of ROR α in the claims.

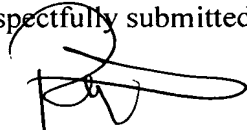
Amendments were suggested in the interview to overcome existing rejections, as well as to the newly raised issue concerning ROR α . Claims 1, 10, and 12 have been amended as suggested in the interview. This is not an acquiescence to the grounds of rejection, but is merely to expedite prosecution. Applicants reserve the right to pursue any canceled subject matter.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which could be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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1



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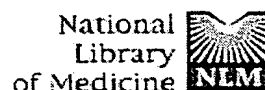
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






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